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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1971/LA4/84. *Dated, Trivandrum, 24th March* 1984.

The Kerala Preservation of Trees Bill, 1984 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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TRIVANDRUM, 1984.

33/1111/MC.

Seventh Kerala Legislative Assembly
Bill No. 114

THE KERALA PRESERVATION OF TREES BILL, 1984

A

BILL

to provide for the preservation of trees in the State of Kerala.

Preamble.—WHEREAS there has been indiscriminate felling and destruction of trees in the State of Kerala resulting in considerable soil erosion and destruction and loss of the timber wealth of the State.

AND WHEREAS with a view to prevent soil erosion and destruction and loss of the timber wealth in the State, it is necessary to regulate the felling and destruction of trees in the State;

BE it enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—This Act may be called the Kerala Preservation of Trees Act, 1984.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 18th day of June, 1983.

2. *Definitions.*—In this Act, unless the context otherwise requires,—.

(a) "appellate authority" means an appellate authority appointed under sub-section (2) of section 3;

(b) "authorised officer" means an officer appointed under sub-section (1) of section 3;

(c) "owner" in relation to any land, includes a mortgagee, lessee or other person having right to possession and enjoyment of that land;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "tree" means any of the following species of trees, namely:—

Sandalwood (Santalum album), Teak (Tectona grandis), Rosewood (Dalbergia latifolia), Irul (Xylia Xylocarpa), Thempavu (Terminalia tomantosa), Kampakam (Hopea parviflora), Chempakam (Michelia chempaca), Chadachi (Grewia tiliaefolia), Chandana vempu (Cedrela toona), Cheeni (Tetrameles nudiflora).

3. *Authorised officers and appellate authorities.*—(1) The Government may, by notification in the Gazette, appoint such officers as they think fit to be authorised officers for the purposes of this Act and may assign to them such local limits as the Government think fit.

(2) The Government may, by notification in the Gazette, appoint such officers as they think fit to be appellate authorities for the purposes of this Act and may assign them such local limits as the Government think fit.

4. *Restriction regarding cutting, etc., of trees.*—(1) No person shall, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree.

(2) The permission under sub-section (1) shall not be refused if—

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or windfallen:

Provided that where permission to cut a tree is granted on the ground specified in clause (a) or clause (b), the authorised officer shall impose as a condition for the grant of such permission the effective regeneration of an equal number of the same or other suitable species of trees; or

(c) such cutting is to enable the owner of the land in which the tree stands to use the area cleared or the timber cut for the construction of a building for his own use.

(3) No person shall cut or otherwise damage, or cause to be cut or otherwise damaged, the branch of any tree:

Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(4) No person shall, without the previous permission in writing of the authorised officer, destroy any plant of any tree or do any act which diminishes the value of any such plant.

(5) Nothing contained in sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) shall apply in respect of any tree or plant in the compound of any residential building:

Provided that where such compound exceeds 0.8 hectare in extent, the provisions of this sub-section shall apply only in respect of an extent of 0.8 hectare immediately surrounding the residential building.

5. *Prohibition of cutting of tree in notified areas.*—(1) Notwithstanding anything contained in any law for the time being in force, or in any judgment,

decree or order of any court, tribunal or other authority, or in any agreement or other arrangement, the Government may, with a view to preserving the tree growth in private forests or in the Cardamom Hills Reserve or in any other areas cultivated with cardamom, by notification in the Gazette, direct that no tree standing in any such area specified in the notification shall be cut, uprooted or burnt except on the ground that—

(a) the tree constitutes a danger to life or property; or

(b) the tree is dead, diseased or windfallen:

Provided that the provisions of this sub-section shall not be deemed to prevent the pruning of any tree as required by ordinary agricultural or horticultural practices.

(2) No person shall, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree in any area specified in the notification under sub-section (1) on any of the grounds specified therein.

Explanation I.—For the purposes of this section, the term "tree" shall include any species of tree.

Explanation II.—For the purposes of sub-section (2), the expression "private forest" means any land which immediately before the 10th day of May, 1971, was a private forest as defined in the Kerala Private Forests (Vesting and Assignment) Act, 1971.

6. *Application for permission.*—(1) Every application for permission under section 4 or section 5 shall be in such form and shall contain such particulars as may be prescribed and shall be made to the authorised officer.

(2) The procedure to be followed by the authorised officer in granting or refusing permission under section 4 or section 5 shall be such as may be prescribed.

7. *Appeal.*—(1) Any person aggrieved by an order refusing to grant permission under section 4 or section 5 may, within ninety days of the receipt of such order, prefer an appeal to the appellate authority:

Provided that the appellate authority may admit an appeal preferred after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period.

(2) An appeal under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such order thereon as it thinks fit.

8. *Revision.*—(1) The Government may, either *suo motu* or on application by any person aggrieved by an order of the appellate authority under section 7, call for and examine the record of any order passed by the appellate authority for the purpose of satisfying themselves as to the legality, propriety or regularity of such order and pass such order thereon as they think fit.

(2) The Government shall not of their own motion revise any order under sub-section (1) if that order has been passed more than three months previously.

(3) An application under sub-section (1) by an aggrieved person shall be made within a period of sixty days from the date on which the order of the appellate authority was communicated to him:

Provided that the Government may admit an application made after the expiry of the said period of sixty days, if they are satisfied that the applicant had sufficient cause for not making the application within that period.

(4) An order prejudicial to a person shall not be passed under sub-section (1) unless that person has been given a reasonable opportunity of showing cause against such order.

Explanation.—An order declining to interfere shall, for the purposes of this sub-section, be deemed to be an order prejudicial to a person.

9. *Penalties.*—Whoever contravenes any of the provisions of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5 or any of the terms and conditions subject to which a permission has been granted under this Act shall be punishable,—

(a) in the case of first offence, with imprisonment for a term which shall not be less than six months but which may extend to two years, and with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees; and

(b) in the case of a second or subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years, and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees.

10. *Offences by Companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:— For the purposes of this section,—

(a) "company" means any body corporate and includes a firm, society or other association of individuals; and

(b) "director",—

(i) in relation to a firm, means a partner in the firm;

(ii) in relation to a society or other association of individuals means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

11. *Powers of authorised officers and appellate authorities.*—Every authorised officer and appellate authority shall, for the purpose of performing his or its functions under this Act, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) such other matters as may be prescribed.

12. *Powers of entry and inspection.*—The authorised officer or any other officer generally or specially authorised by the Government in this behalf may, with such assistants, if any, being persons in the service of the Government, as he thinks fit, at all reasonable times enter upon any land for the purpose of ascertaining whether any of the provisions of this Act or any of the terms and conditions subject to which any permission has been granted under this Act has been contravened.

13. *Power to seize timber and other articles involved in commission of offence.*—(1) Where any officer of the Forest Department not below the rank of Forester or any Police Officer not below the rank of Sub-Inspector has reason to believe that any tree has been cut in contravention of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, he may seize the timber of such tree together with

all tools, ropes, chains and other articles used in the commission of such offence and all boats, vehicles and cattle used for carrying such timber.

Explanation.—The terms "boat" and "vehicle" in this section, section 14 and section 15 shall include all the articles and machinery kept in the boat or vehicle, as the case may be, whether fixed to the same or not.

(2) Every officer seizing any timber under sub-section (1) shall place on such timber a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the authorised officer.

(3) On receipt of a report under sub-section (2), the authorised officer shall,—

(a) if he is satisfied that the timber mentioned in such report is of any tree cut in contravention of section 4 or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, make a report of such seizure to the Judicial Magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if he is not so satisfied, make a report of such seizure to such authority as may be prescribed.

(4) The authority to which a report is made under clause (b) of sub-section (3) shall,—

(a) if it is satisfied that the timber mentioned in such report is of any tree cut in contravention of section 4, or sub-section (2) of section 5 or a direction contained in a notification under sub-section (1) of section 5, make a report of the seizure of such timber to the Judicial Magistrate of the First Class having jurisdiction over the area in which such seizure has been made;

(b) if it is not so satisfied, order that such timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized along with shall be returned to the person from whom they were seized.

14. *Power to release property seized under section* 13.—The authorised officer may release any timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized under section 13 and in respect of which a report has been made to the Judicial Magistrate of the First Class under clause (a) of sub-section (3) or clause (a) of sub-section (4) of that section, on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before such Magistrate.

15. *Procedure by Magistrate.*—Upon the receipt of a report under clause (a) of sub-section (3) or clause (a) of sub-section (4) of section 13, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the timber and any tool, rope, chain or other article or any boat, vehicle or cattle seized along with it, according to law.

16. *Procedure as to perishable property seized under section* 13.—(1) Notwithstanding anything hereinbefore contained,—

(a) the Magistrate to whom a report is made under section 13 may direct the sale of any property seized under that section, which is subject to speedy and natural decay; and

(b) If, in the opinion of the authorised officer, it is not possible to obtain the orders of the Magistrate under clause (a) in time, such officer may sell the property himself, remit the sale proceeds into the nearest Government Treasury and make a report of such seizure, sale and remittance to the Magistrate referred to in the said clause, and thereupon such Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property sold under clause (a) or clause (b) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold.

17. *Saving of power to release property seized.*—Nothing hereinbefore contained shall be deemed to prevent the authorised officer from directing at any time the immediate release of any property seized under section 13 and the withdrawal of any charge made in respect of such property:

Provided that the powers under this section shall be exercised by the authorised officer only for good and sufficient reasons to be recorded in writing and with the previous approval in writing of the Chief Conservator of Forests.

18. *Institution of prosecution.*—No prosecution shall be instituted against any person without the sanction of the authorised officer.

19. *Cognizance of offences.*—No court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act.

20. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by any officer or authority or the Government.

21. *Indemnity.*—No suit, prosecution or other legal proceedings shall lie against the Government or any officer or authority or any other person for anything which is in good faith done or purporting to have been done under this Act or any rule or order made thereunder.

22. *Restriction regarding cutting, etc., of trees in future assignments.*—Notwithstanding anything contained in any law for the time being in force, any assignment after the commencement of this Act of land belonging to the Government, under any law for the time being in force shall be subject to the condition that the assignee shall not, without the previous permission in writing of the authorised officer, cut, uproot or burn, or cause to be cut, uprooted or burnt, any tree standing on such land at the time of such

assignment, and the provisions of this Act shall apply in relation to such permission as if they apply in relation to a permission under section 4.

23. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the girth of trees which may be permitted to be cut;

(b) the terms and conditions subject to which permission may be granted;

(c) the procedure to be followed by the authorised officer before granting or refusing permission;

(d) the procedure to be followed by the appellate authority in the disposal of an appeal under section 7;

(e) any other matter which has to be, or may be, prescribed.

24. *Laying of notifications and rules before Legislative Assembly.*—Every notification issued under sub-section (1) of section 5 and every rule made under section 23 shall be laid, as soon as may be after it is issued or made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the notification or rule or decides that the notification or rule should not be issued or made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

25. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with such provisions, which may appear to them to be necessary for removing the difficulty.

26. *Repeal and Saving.*—(1) The Kerala Restriction on Cutting and Destruction of Valuable Trees Act, 1974 (7 of 1974), and the Kerala Preservation of Trees Ordinance, 1984 (15 of 1984) are hereby repealed.

(2) Notwithstanding the repeal of the Kerala Preservation of Trees Ordinance, 1984 (15 of 1984) anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act:

Provided that no person convicted of an offence with respect to anything so deemed to have been done under this Act, shall be subjected to a penalty greater than that which might have been inflicted under the law applicable to such offence, in force at the time of the commission of such offence:

Provided further that nothing contained in this section shall render any person liable to be convicted of an offence in respect of anything done or omitted to be done by him after the 1st day of August, 1983 and before the 30th day of August, 1983 and after the 6th day of January, 1984 and before the 15th day of February, 1984.

STATEMENT OF OBJECTS AND REASONS

Indiscriminate felling and destruction of trees in the State have been brought to the notice of Government and it is feared that it may result in quick denudation of the forest growth and consequent soil erosion, land slides, flood etc. This is also detrimental to ecological balance. Of late, felling of trees and destruction of flora and fauna are reported to be on the increase. As there was no effective law to prevent this tendency, it was decided to enact a law for imposing restrictions on the cutting of trees in the State and regulating cultivation in the hill areas of the State. As the Legislative Assembly was not in session and as the matter was of an urgent nature, the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 (21 of 1983) was promulgated by the Governor on the 17th day of June, 1983.

2. A Bill to replace the said Ordinance by an Act of the Legislature, though published, could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 20th day of June, 1983 and ended on the 4th day of August, 1983. In order to keep alive the provisions of the said Ordinance, the Kerala Preservation of Trees and Regulation of Cultivation in Hill Areas Ordinance, 1983 (29 of 1983) was promulgated by the Governor on the 29th day of August, 1983.

3. A Bill to replace Ordinance No. 29 of 1983 by an Act of the Legislature though published, could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983.

4. On a review of the implementation of the provisions of the above Ordinances, it was found unnecessary to impose regulation on the cultivation in hill areas. Therefore, the Kerala Preservation of Trees Ordinance, 1984 (15 of 1984) was promulgated by the Governor on the 15th day of February, 1984 to keep alive the provisions in Ordinance 29 of 1983 for the preservation of trees. The Bill seeks to replace Ordinance 15 of 1984 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the appointment of authorised officers and appellate authorities. The legislation is intended to ensure preservation of trees. It is necessary to engage sufficient field staff and ministerial

staff for the effective implementation of the legislation. It is proposed to appoint the following additional staff for the purpose:—

Deputy Conservator of Forests ..	1
Assistant Conservator of Forests ..	8
Senior Superintendent ..	1
Range Officers ..	58
Junior Superintendent ..	8
Foresters ..	174
Confidential Assistant Gr. II ..	1
L.D. Clerk ..	161
L.D. Typist ..	9
Driver Gr. II ..	8
Peons ..	132

The annual expenditure towards the additional staff is estimated at Rs. 54 lakhs approximately.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 3 seeks to empower the Government to appoint, by notification in the Gazette, authorised officers for the purposes of the Act.

Sub-clause (2) of clause 3 seeks to authorise the Government to appoint, by notification in the Gazette, appellate authorities for the purposes of the Act.

Under sub-clause (1) of clause 5, Government may, by notification in the Gazette, direct that no tree standing in private forests or in Cardamom Hills Reserve or in any area cultivated with Cardamom shall be cut, uprooted or burnt except on the grounds specified in that sub-section.

Clause 6 seeks to empower the Government to prescribe the form of, and the particulars to be contained in, an application for permission under section 4 or 5 and the procedure to be followed by the authorised officer in granting or refusing such permission.

Clause 7 seeks to empower the Government to prescribe the form of appeal under that clause and the particulars to be contained in such appeal.

Under clause 11 the Government may prescribe matters, other than those specified in that clause, in respect of which the authorised officer and the appellate authority shall have powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, for the purpose of performing his or its functions under the Act.

Under clause 12, the Government may generally or specially authorise any officer to exercise the powers of entry and inspection provided for in that clause.

Under sub-clause (3) (b) of clause 13 the Government may prescribe the authority to which the authorised officer shall make a report when he is not satisfied that the timber seized by a Forest Officer is cut in contravention of section 4, or sub-section (2) of section 5 or a direction under sub-section (1) of section 5.

Clause 23 seeks to confer power on the Government to make rules to carry out the purposes of the Act. The matters in respect of which rules may be made relate *inter alia* to the girth of trees which may be permitted to be cut, the terms and conditions subject to which permission may be granted, the procedure to be followed by the authorised officer before granting or refusing permission and the procedure to be followed by the appellate authority in the disposal of an appeal under section 7.

Clause 25 seeks to empower the Government to make orders not inconsistent with the provisions of the Act for removing difficulties in giving effect to the provisions of the Act.

The matters in respect of which notifications may be issued or rules or orders may be made are matters of administrative nature or matters of detail. Besides, the notification to be issued under sub-section (1) of section 5 and the rules to be made under the Act will be subject to the scrutiny of the Legislative Assembly. The delegation of legislative power is, therefore, of a normal character.

K. P. NOORUDDIN

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1972/LA. 4A/84. *Dated, Trivandrum,* 24th *March* 1984.

The Kerala Private Forests (Vesting and Assignment) Amendment Bill, 1984, together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1984

33/1113/MC.

THE KERALA PRIVATE FORESTS (VESTING AND ASSIGNMENT) AMENDMENT BILL, 1984

A

BILL

further to amend the Kerala Private Forests (Vesting and Assignment) Act, 1971.

Preamble.—WHEREAS a large number of applications filed before the Tribunals under section 8 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 have been decided in favour of the applicants either on he basis of concessions made before the Tribunals without the authority in writing of the Custodian or the Government or due to the failure to produce relevant data and other particulars before such Tribunals;

AND WHEREAS in a large number of cases appeals have not been preferred before the High Court against such decisions of the Tribunals by reason of the delay in applying for and obtaining the certified copies of those decisions or on the ground that the decisions were made on the basis of concessions made before the Tribunals or on other grounds;

AND WHEREAS a large number of appeals filed by the Government before the High Court under section 8A of the said Act have been dismissed by that Court either on the basis of concessions made before the Court without the authority in writing of the Government or due to the failure to produce the relevant data and other particulars before the said Court;

AND WHEREAS petitions by the Government for special leave to appeal against the orders of the High Court under section 8A of the said Act have been dismissed by the Supreme Court;

AND WHEREAS a large number of the judgments and orders of the High Court in writ petitions or other proceedings, relate to private forests vested in the Government and such judgments and orders have been passed due to suppression or misrepresentation of facts or due to failure to produce relevant data and other particulars before the said Court;

AND WHEREAS possession of large extent of private forests or lands comprised in private forests which have vested in the Government under the said Act are liable to be restored by the Custodian to the persons who

were owners thereof immediately preceding the commencement of that Act, resulting in great loss to the State and detriment to the public interest.

BE it enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Private Forests (Vesting and Assignment) Amendment Act, 1984.

(2) It shall be deemed to have come into force on the 19th day of November, 1983.

2. *Insertion of new sections 8B, 8C and 8D.*—After section 8A of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971) (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

"8B. *Power of Custodian to apply for review of decisions of Tribunal.*—(1) Notwithstanding anything contained in this Act or in the Limitation Act, 1963 (Central Act 36 of 1963), or in any other law for the time being in force, or in any judgment, decree or order of any court or other authority, the Custodian may, if he is satisfied that any decision of the Tribunal under section 8 requires to be reviewed on the ground that such decision has been made on the basis of concessions made before the Tribunal without the authority in writing of the Custodian or the Government or due to the failure to produce relevant data or other particulars before the Tribunal or that an appeal against such decision could not be filed by reason of the delay in applying for and obtaining a certified copy of such decision, make an application to the Tribunal within a period of six months from the commencement of the Kerala Private Forests (Vesting and Assignment) Amendment Act, 1984, for review of such decision.

(2) An application under sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner.

(3) On receipt of an application under sub-section (1), the Tribunal shall, notwithstanding anything contained in this Act or in the Limitation Act, 1963 (Central Act 36 of 1963), or in any law for the time being in force, or in any judgment, decree or order of any court or other authority, review its decision and pass such orders as it may think fit.

8C. *Power of Government to file appeal or application for review in certain cases.*—(1) Notwithstanding anything contained in this Act, or in the Limitation Act, 1963 (Central Act 36 of 1963), or in any other law for the time being in force, or in any judgment, decree or order of any court or other authority, the Government, if they are satisfied that any decision of the Tribunal under section 8 has been made on the basis of concessions made before the Tribunal without the authority in writing of the Custodian or the Government or due to the failure to produce relevant data or other particulars before the Tribunal or that an appeal against such decision could not be filed by reason

of the delay in applying for and obtaining a certified copy of such decision, may, within a period of six months from the commencement of the Kerala Private Forests (Vesting and Assignment) Amendment Act, 1984, appeal against such decision to the High Court.

(2) Notwithstanding anything contained in this Act, or in the Limitation Act, 1963 (Central Act 36 of 1963), or in any other law for the time being in force, or in any judgement, decree or order of any court or other authority the Government, if they are satisfied that any order of the High Court in an appeal under section 8A (including an order against which an appeal to the Supreme Court has not been admitted by that Court) has been passed on the basis of concessions made before the High Court without the authority in writing of the Government or due to the failure to produce relevant data or other particulars before the High Court or that an appeal against such order could not be filed before the Supreme Court by reason of the delay in applying for and obtaining a certified copy of such order, may, within a period of six months from the commencement of the Kerala Private Forests (Vesting and Assingment) Amendment Act, 1984, make an application to the High Court for review of such order.

(3) Notwithstanding anything contained in this Act or in the Limitation Act, 1963 (Central Act 36 of 1963) or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, the Government, if they are satisfied that any judgment or order [other than an order referred to in sub-section (2)] passed by the High Court in any proceeding, relates to any land which is a private forest and that such judgment or order has been passed due to supression or misrepresentation of facts or due to the failure to produce relevant data or other particulars or that an appeal against such judgment or order could not be filed by reason of the delay in applying for and obtaining a certified copy of such judgment or order, may within six months from the commencement of the Kerala Private Forests (Vesting and Assignment) Amendment Act, 1984 make an application to the High Court for review of such judgment or order.

(4) An appeal under sub-section (1) or an application under sub-section (2) or sub-section (3), shall be in the prescribed form and shall be verified in the prescribed manner.

(5) On receipt of an appeal under sub-section (1) or an application under sub-section (2), or sub-section (3), the High Court may, notwithstanding anything contained in this Act, or in the Limitation Act, 1963 (Central Act 36 of 1963), or in any other law for the time being in force, or in any judgment, decree or order of any court or other authority, after giving a reasonable opportunity to the parties to be heard either in person or by representative, pass such orders thereon as it may think fit.

8D. *Decisions and orders liable to be reviewed or appealed against to be stayed.*—Notwithstanding anything contained in any law for the time being in force, or in any judgment, decree or order of any court or other authority,—

(a) any decision of the Tribunal referred to in sub-section (1) of section 8B or in sub-section (1) of section 8C;

(b) any order of the High Court referred to in sub-section (2) of section 8C;

(c) any judgment or order of the High Court referred to in sub-section (3) of section 8C; and

(d) any proceedings in pursuance of any such judgment decision or order, shall stand stayed for a period of six months from the commencement of the Kerala Private Forests (Vesting and Assignment) Amendment Act, 1984, or, if an application for review of such judgment, decision or order is made under sub-section (1) of section 8B or under sub-section (2) or sub-section (3) of section 8C, as the case may be, or an appeal against such decision is filed under sub-section (1) of section 8C, before the expiry of the said period of six months, till the disposal of such application or appeal, as the case may be.".

3. *Repeal and saving.*—(1) The Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1984 (17 of 1984), is hereby repealed.

(2) Notwithstanding such repeal,—

(a) anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act;

(b) anything done or any action taken after the 6th day of January 1984 and before the 18th day of February, 1984, which could have been done or taken under the principal Act as amended by the said Ordinance if the said Ordinance had not ceased to operate on the 6th day of January, 1984, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

It was found that several appeals filed before the High Court against decisions of Forest Tribunals excluding vested area of private forests from vesting with Government were dismissed as not pressed and many of them were disposed of on the basis of certain concessions. In some cases steps were not taken to obtain certified copies of the decisions of the Forest Tribunals, with the result that the time for filing appeal has been barred by limitation. In such cases the decisions had become final and there was no provision under which the claim, if any, of the State could be revived. It was also brought to the notice of Government that a large number of applications filed before the Forest Tribunals under section 8 of the Kerala Private Forests

Vesting and Assignment) Act, 1971 have been decided in favour of the applicants either on the basis of concessions made before the Tribunals without the authority in writing of the Custodian of the Vested Forests or the Government or due to the failure to produce relevant data and other particulars before such Tribunals.

2. After examining the matter, the Government decided to amend the Kerala Private Forests (Vesting and Assignment) Act, 1971 for making provision therein to enable the Government to file appeals or applications before the High Court and the Custodian of Vested Forests to make applications before the Tribunals to reopen the decisions which had become final and where they are satisfied that in such cases all the relevant facts had not been placed before the Court or the Tribunal, as the case may be, or the relevant evidence had not been adduced or there had been mistake, negligence or fraud on the part of any person acting for or on behalf of the Government.

3. As the Legislative Assembly was not in session and as the matter was of an urgent nature, the Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1983 (39 of 1983) was promulgated by the Governor on the 18th day of November, 1983.

4. A Bill to replace the said Ordinance by an Act of the State Legislature though published, could not be introduced in, and passed by, the Legislative Assembly during its session which commenced on the 25th day of November, 1983 and ended on the 20th day of December, 1983.

5. It was necessary to keep alive the provisions of Ordinance 39 of 1983. It was also found that a large number of judgments and orders passed by the High Court in writ petitions and other proceedings, relate to lands which are private forests vested in Government and that such judgments and orders have been passed due to suppression or mis-representation of facts or due to failure to produce relevant data and other particulars before the Court. It was considered necessary to make provision empowering the Government to file applications for review of such judgments and orders also. Therefore, the Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1984. (17 of 1984) was promulgated by the Governor on the 16th day of February, 1984. The Bill seeks to replace Ordinance 17 of 1984 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (2) of the new section '8B' proposed to be inserted by clause 2 of the Bill seeks to provide that an application under sub-section (1) for review of the decision specified in that sub-section shall be in the prescribed form and shall be verified in the prescribed manner.

Sub-section (4) of the new section '8C' proposed to be incorporated in the Act by clause 2 of the Bill seeks to provide that an appeal to the High Court under sub-section (1) of that section and an application for review under sub-section (2) or sub-section (3) shall be in the prescribed form and shall be verified in the prescribed manner.

The power to prescribe the form and the manner of verification are matters of procedure. The delegation of legislative power is, therefore, of a normal character.

K. P. NOORUDDIN.

Government of Kerala
1984

Reg. No. KL/TV(N)/12

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EXTRAORDINARY

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1962/LA4A/84. *Dated, Trivandrum, 24th March 1984.*

The Kerala Cashew Factories (Acquisition) Amendment Bill, 1984 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/1104/MC.

Seventh Kerala Legislative Assembly

Bill No. 113

THE KERALA CASHEW FACTORIES (ACQUISITION) AMENDMENT BILL, 1984

A

BILL

to amend the Kerala Cashew Factories (Acquisition) Act, 1974.

Preamble.—WHEREAS it is expedient to amend the Kerala Cashew Factories (Acquisition) Act, 1974, for the purposes hereinafter appearing;

Be it enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Cashew Factories (Acquisition) Amendment Act, 1984.

(2) It shall be deemed to have come into force on the 28th day of February, 1984.

2. *Amendment of section* 2.—In section 2 of the principal Act,

(i) after clause (d), the following clause shall be inserted, namely:—

"(dd) "Federation" means the Kerala State Co-operative Marketing Federation;";

(ii) after clause (g), the following clause shall be inserted, namely:—

"(h) "workers co-operative society" or "society" means a co-operative society registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969) and formed with the object of managing a cashew factory which has been closed down or vested under this Act in the Government and of which at least ninety per cent of the members are workmen within the meaning of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), who have been, immediately before the appointed day, in the employment of the cashew factory.".

3. *Amendment of section* 8.—In section 8 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Notwithstanding anything contained in section 3, the Government may, by order in writing:—

(a) direct that a cashew factory vested in them under this Act shall, instead of continuing to vest in the Government, vest in the Corporation with effect from such date (not being a date earlier than the appointed day) as may be specified in the order; or

(b) entrust a cashew factory vested in them under this Act to the Federation or to a workers' co-operative society or to any other institution approved by the Government in this behalf for management for such period and on such terms and conditions as may be specified in the order.".

4. *Insertion of new section* 10 A.—After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. *Continuance of employees where cashew factory is entrusted to the Federation or to a workers' co-operative society or to an institution for management.*—(1) Where a cashew factory vested under this Act in the Government has been entrusted to the Federation or to any other institution approved by the Government in this behalf under sub-section (1) of section 8 for management, every person who is a workman within the meaning of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), and has been immediately before the appointed day in the employment of the cashew factory, shall become, on and from the date on which the cashew factory is so entrusted for management, an employee of the Federation or, as the case may be, of the institution and shall hold office or service in the cashew factory on the same terms and conditions and with the same rights as to pension, gratuity and other matters as would have been admissible to him if such cashew factory had not been transferred to, and vested in, the Government and continue to do so unless and until his employment in such cashew factory is duly terminated or until his remuneration, terms and conditions of employment are duly altered, by the Federation or the Institution, as the case may be.

(2) Notwithstanding anything contained in section 10 or in any other law for the time being in force, where a cashew factory vested under this Act in the Government has been entrusted to a workers' co-operative society under sub-section (1) of section 8 for management, only such of those persons who are workmen within the meaning of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), and have been, immediately before the appointed day, in the employment of the cashew factory and who become members of the workers' co-operative society to which the management has been so entrusted shall be eligible for employment in the cashew factory.

(3) Every person who is eligible for employment under sub-section (2) in a cashew factory vested under this Act in the Government and is entrusted to a workers' co-operative society for management, shall become, on and from the date on which the cashew factory is so entrusted to the society for management or the date on which he becomes a member of such society, whichever is later, an employee of the society and shall, hold office or service in the cashew factory on such remuneration, terms and conditions of employment as may be determined by the society.

(4) The Federation or a workers' co-operative society or any institution to which the management of a cashew factory vested under this Act in the Government is entrusted under sub-section (1) of section 8, may employ on mutually acceptable terms and conditions, any person who is not a workman

within the meaning of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) and who has been, immediately before the appointed day, in the employment of such cashew factory and on such employment the said person shall become an employee of the Federation or the society or the institution, as the case may be.

(5) Where the management of a cashew factory vested under this Act in the Government is entrusted to the Federation or to a workers' co-operative society or to any other institution for management under sub-section (1) of section 8, any person whose service becomes terminated or who becomes an employee of the Federation or the society or the institution by reason of the provisions of this section, is entitled to any payment by way of gratuity or retirement benefits or for any leave not availed of, or any other benefits, prior to the appointed day, such person may enforce his claim against the occupier of the cashew factory immediately before the appointed day but not against the Government or the Federation or the society or the institution.

(6) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947), or in any other law for the time being in force, any person whose service becomes terminated or whose terms and conditions of employment have been altered in pursuance of the provisions of this section, shall not be entitled to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.".

5. *Amendment of section* 11.—In section 11 of the principal Act,

(a) in sub-section (1), for the portion beginning from "to the Government or the Corporation" and ending with "as the case may be", the following shall be substituted, namely:—

"to the Government or the Corporation or the Federation or a workers' co-operative society or an institution, shall, out of the moneys standing, on the appointed day, to the credit of such provident fund, stand transferred to, and vest in, the Government or the Corporation or the Federation or the workers' co-operative society or the institution, as the case may be.";

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The moneys which stand transferred, under sub-section (1), to the Government or the Corporation or the Federation or a workers' co-operative society or an institution shall be dealt with by the Government or the Corporation or the Federation or the workers' co-operative society or the institution, as the case may be, in such manner as may be prescribed.".

6. *Amendment of section* 12.—In section 12 of the principal Act, after the words "or the Corporation", the words "or the Federation or a workers' co-operative society or an institution" shall be inserted.

7. *Amendment of section* 15.—In section 15 of the principal Act,

(a) in sub-section (1), for the words "the Government or the Corporation", in both the places where they occur, the words "the Government or the Corporation or the Federation or a workers' co-operative society or an institution" shall be substituted;

(b) in sub-section (2), for the words "the Government or the Corporation", in both the places where they occur, the words, "the Government or the Gorporation or the Federation or a workers' co-operative society or an institution" shall be substituted.

8. *Repeal and saving.*—(1) The Kerala Gashew Factories (Acquisition) Amendment Ordinance, 1984 (19 of 1984) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJEGTS AND REASONS

Sixty five cashew factories owned by private persons were remaining closed during the 1983 season causing hardship to a large number of workers. Some of them were closed during the 1982 season also. It was felt that some of the above closed factories may not be opened during the 1984 season also causing great hardship to the workers and non-utilisation of resources such as factory buildings, equipments, etc. In order to deal with this situation it was considered essential that the Kerala Gashew Factories (Acquisition) Act, 1974, should be amended to enable the State Government to entrust the management of the cashew factories acquired under the Act also to the Workers' Co-operative Societies or the Kerala State Go-operative Marketing Federation or any other institution as may be approved by Government for the purpose.

2. As the cashew season had already commenced and the factories had to be opened immediately, and as the Legislative Assembly was not in session the Kerala Gashew Factories (Acquisition) Amendment Ordinance, 1984 (19 of 1984), was promulgated by the Governor on the 28th day of February, 1984.

3. The Bill seeks to replace Ordinance No. 19 of 1984 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Under clause 4 of the Bill by which a new section 10A is proposed to be inserted to the Kerala Gashew Factories (Acquisition) Act, 1974, Government may, by order in writing direct that a cashew factory vested in them shall, instead of continuing to vest in the Government vest in the Gorporation

with effect from such date (not being a date earlier than the appointed day) as may be specified in the order, or entrust a cashew factory vested in them under this Act to the Federation or to a Workers' Co-operative Society or to any other institution approved by the Government in this behalf for management for such period and on such terms and conditions as may be specified in the order. If under the above provision a cashew factory vested in the Government is entrusted to a Workers' Co-operative Society for management instead of vesting this factory with the Corporation or Federation Government may have to contribute to the Co-operative Society so formed for its functioning in the first instance, share capital contribution, share capital loan to workers and financial assistance required for the repair/maintenance of the factory. Further, for ten or more of such Workers' Co-operative Societies an Apex Society/Federation may have to be formed the expenditure of which will have to be met by the Primary Societies. For the formation of Workers' Co-operative Societies a Special Officer with supporting staff will have to be provided and free assistance of an Officer for three years may have to be provided to each Co-operative Society for working as Secretary of the Society. The actual expenditure from the Consolidated Fund on the above accounts cannot be estimated now as the number of societies to be formed will depend on the number of cashew factories which may be decided to be entrusted to Workers' Co-operative Societies for management.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to empower the Government to direct by an order in writing that a cashew factory vested in them under the Act shall instead of continuing to vest in the Government, vest in the corporation with effect from such date (not being a date earlier than the appointed day) as may be specified in the order or entrust, by an order in writing, a cashew factory vested in them under the Act to the Federation or to a workers' co-operative Society or to any other institution approved by the Government, in this behalf for management for such period and on such terms and conditions as may be specified in the order.

2. Sub-clause (b) of clause 5 of the Bill seeks to empower the Government to prescribe the manner by which the moneys which stand transferred, under sub-section (1) of section 11 of the Act to the Government or the Corporation or the Federation or a workers' Co-operative Society or an institution, shall be dealt with by the Government or the Corporation or the Federation or the workers' Co-operative Society or the institution, as the case may be.

3. The matters mentioned above are of a routine or administrative nature. The delegation of legislative power is thus of a normal character.

E. AHAMED.

Government of Kerala
1984

Reg. No. KL/TV(N)/12

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Industries (G) Department

NOTIFICATIONS

No. 5751|G1|84|ID. *Dated, Trivandrum, 22nd March, 1984.*

I

S. R. O. No. 284|84.—WHEREAS, the Government of Kerala, as per Notifications I and II No. 38061|G1|80|ID dated the 30th March, 1982, published as S. R. O. Nos. 445|82 and 446|82 respectively, in the Kerala Gazette Extraordinary No. 244 dated the 30th March, 1982, have declared Messers Kunnathara Textiles Limited, Modakkalloor P. O., Koomully, Calicut District as a "Relief Undertaking" for a period of one year with effect from the 30th March, 1982;

AND WHEREAS the Government of Kerala as per Notifications I and II No. 4750|G1|83|ID dated the 29th March, 1983, published as S. R.O. Nos. 413|83 and 414|83 respectively, in the Kerala Gazette Extraordinary No. 374 dated the 29th March, 1983, have declared Messers Kunnathara Textiles Limited, Modakkalloor P. O., Koomully, Calicut District as a "Relief Undertaking" for a further period of twelve months from 30th March 1983;

AND WHEREAS the Government of Kerala are satisfied that it is necessary that Messrs Kunnathara Textiles Limited, Modakkallur P. O., Koomully, Calicut District should be continued to be conducted as a "Relief Undertaking" for a further period of twelve months from the 30th March, 1984;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 3 of the Kerala Relief Undertakings (Special Provisions) Act, 1961 (6 of 1962), the Government of Kerala hereby declare that Messrs Kunnathara Textiles Limited, Modakkallur P. O., Koomully, Calicut District shall, for a further period of twelve months from the 30th March, 1984, be conducted to serve as a measure of preventing unemployment and of unemployment relief and that the said undertaking shall accordingly be deemed to be a "Relief Undertaking" for the purposes of the said Act;

II

S. R. O. No. 285|34.—In exercise of the powers conferred by section 4 of the Kerala Relief Undertakings (Special Provisions) Act, 1961 (6 of 1962), the Government of Kerala hereby direct that during the period in which Messrs Kunnathara Textiles Limited, Modakkallur P. O., Koomully, Calicut District continues as a Relief Undertaking by virtue of Notification I No. 5751|G1|84|ID dated the 22nd March, 1984 issued under section 3 of the said Act;

(i) all the provisions of the laws specified in the Schedule to the said Act, which involve any financial commitment or expenditure shall not apply in respect of the said undertaking and it shall be exempt therefrom;

(ii) all agreements, settlements and awards made under the laws specified in the Schedule to the said Act, which were applicable to the said undertakings immediately before any loan, guarantee or financial assistance was provided to it by the Government for being run as a relief undertaking shall be suspended in operation;

(iii) any liability of the said undertaking to pay tax under the Kerala General Sales Tax Act, 1963 (15 of 1963), incurred before the undertaking was declared a relief undertaking and any remedy for enforcing the payment thereof shall be suspended and all proceedings relating to the levy, assessment, collection and recovery of such tax pending before any court, tribunal, officer or authority shall be stayed;

(iv) any liability or obligation of the said undertaking accrued or incurred before it was declared a relief undertaking and any remedy for the enforcement thereof shall be suspended and all the proceedings relative thereto pending before any court, tribunal, officer or authority shall be stayed; and

(v) the right, privilege, obligation or liability referred to in paras (iii) and (iv) above shall on the notification ceasing to have force, revive and be enforceable and the proceedings referred to therein shall be continued:

Provided that in computing the period of limitation for the enforcement of such right, privilege, obligation or liability, the period during which it was suspended under paras (iii) and (iv) above shall be excluded.

By order of the Governor,

C. K. K. PANICKER,

Secretary to Government,
Public Works Department and Secretary-in-charge of Commissioner and Secretary (Industries).

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Government had declared M|s. Kunnathara Textiles Limited, Modakkallur P. O., Koomully, Calicut as a Relief Undertaking for a period of one year from 30-3-1982. The above period was again extended for twelve months from 30-3-1983. As the circumstances warrant, Government have decided to extend the period of relief for one more year from 30-3-1984 and hence this Notification.

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GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATION

No. 14266/G3/84/HD. *Dated, Trivandrum, 23rd March,* 1984.

S. R. O. No. 232/84.—Under sub-section (1) and (2) of section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), read with rule 3 of the Water (Prevention and Control of Pollution) Appellate Authority Rules, 1977, issued under notification No. 26599/G3/76/HD dated 12th February, 1977 and published as S. R. O. No. 147/77 in the Kerala Gazette Extraordinary No. 100 dated the 15th February, 1977, and in supersession of notification No. 21892/G3/81/HD dated 11th June, 1981 published as S.R. O. No. 720/81 in the Kerala Gazette Extraordinary No. 479 dated 20th June, 1981, the Government of Kerala hereby reconstitute the Appellate Authority for the disposal of

Appeals preferred against the orders of the State Pollution Control Board under sections 25 to 27 of the said Act, with the following persons, namely:—

(1)	Sri K. Sreedharan, District Judge on other duty as Law Secretary to Government.	Chairman
(2)	Sri K. Jacob Nainan, Superintending Engineer, Public Health Engineering Department.	Member
(3)	Sri P. V. Jose, Joint Secretary to Government.	Member

By order of the Governor,

M. G. K. MOORTHY,
Secretary.

Explanatory Note

(This does not form part of the notification but is included to indicate its general purport.)

Sri G. Sridharan Nair, District Judge on other duty as Additional Secretary to Government, Law Department, Sri R. Sundaram Iyer, Deputy Chief Engineer, Public Health Engineering Department and Sri K. Ramavarma Thampan, Joint Secretary to Government have relinquished their charge as Chairman and Members respectively from the Appellate Authority constituted as per notification No. 21892/G3/81/HD dated 11-6-1981. Sri K. Sreedharan, Law Secretary to Government, Sri K. Jacob Nainan, Superintending Engineer, Public Health Engineering Department and Sri. P.V. Jose, Joint Secretary to Government have subsequently taken charge respectively as Chairman and Members. The notification is intended to reconstitute the said Appellate Authority with the above mentioned persons.

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GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

No. 4975/E1/84/LBR. *Dated, Trivandrum,* 21*st March*, 1984.

Whereas the Government of Kerala are of opinion that the minimum rates of wages should be fixed in the employment in Cinema Theatres in the State.

Now, therefore in exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Government of Kerala hereby declare their intention to add the employment in Cinema Theatres' to Part I of the Schedule to the said Act in its application to the State of Kerala and accordingly propose to make the following amendments to Part I of the Schedule to the said Act.

Notice is hereby given that the said proposal will be taken up for consideration on the expiry of three months from the date of publication of this notification in the gazette and that any objection or suggestion that may be received from any person in respect of the said proposal before the date specified above will be considered by the Government. Objections or suggestions shall be addressed to the Commissioner and Secretary to Government, Labour (E) Department Government Secretariat, Trivandrum.

33/1123/MC.

DRAFT AMENDMENT

In Part I of the Schedule to Minimum Wages Act, 1948 (Central Act XI of 1948), after item 44, the following item shall be added, namely:—

"45 Employment in Cinema Theatres".

By order of the Governor,

U. MAHABALA RAO,
Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the Notification but is intended to indicate its general purport.)

Government have decided to include the employment in Cinema Theatre in Part I of the Schedule to Minimum Wages Act, 1948, so that steps may be taken for the fixation of Minimum rates of wages in the employment in Cinema Theatre. Hence the notification.

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